

REMARKS

Claims 23 and 24 are cancelled without prejudice or disclaimer. Applicants thank the Examiner for the indication of allowable subject matter. For at least the reasons set forth herein, Applicants respectfully submit all claims are in condition for allowance. Review and reconsideration of the application in view of Applicants' amendments and remarks are respectfully requested.

Claims 23 and 24 are rejected under 35 U.S.C. 101. While Applicants believe the subject matter of each of claims 23 and 24 is patentable under 35 U.S.C. 101 because the claims are directed to a product or article of manufacture, to expedite examination, Applicants have cancelled the claims, rendering the rejection moot.

Claims 1, 23, 25, 26 and 27 are rejected under 35 U.S.C. 103(a) Ueda et al. US 6,429,923. Claims 28 and 31 are rejected under 35 U.S.C. 103(a) Ueda et al. US 6,429,923 in view of Redd et al. US 2004/0109147. Claim 23 is herein canceled, rendering at least that portion of the rejection moot. Applicants traverse the remaining portions of the rejections for at least the following reasons.

Applicants note the rejections are identical to those of the previous Office Action, and were responded to in detail in the Responses filed 13 May 2008 (Pre-Appeal Brief) and 10 September 2007 (Amendment). Those responses are incorporated herein by referenced in their entirety. For the Examiner's convenience, the response as set forth in the Pre-Appeal Brief is repeated herein.

Claims 1, 26, and 27 are independent, all other rejected claims depending therefrom. Claims 1, 26, and 27 all require that the imaging device or imaging system be portable by hand (claim 1) or hand-carriable (claims 26 and 27). The claims further require transporting a hand-carriable imaging system or hand portable imaging device to a first location or from a first location to a second location, receiving a hardcopy document from a user at the location, and scanning the document at the user's location using the hand-carriable imaging system or hand portable imaging device. Claim 1 further requires receipt of an order request and forwarding of the digital image from the hand portable imaging device to a fulfiller to fulfill the order request. Claim 26 requires transporting the hand-carriable imaging system from the user's location to a second location remote

from the user's location (first location). Claim 27 requires storing the digital image in the memory of the hand-carriable imaging system, and generating an order associated with the stored digital image.

The Examiner provides reasons for allowance for claims 2-7, 9-11, 13-22, 24, 29, and 30 as follows:

The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not teach the method of transporting a portable imaging system to a first location; receiving a hardcopy document from a user at the first location, the hard copy document containing the visual image; scanning the hard copy document at the first location using the portable imaging system to produce a digital image; and transporting the portable imaging system to a second location remote from the first location. Furthermore, the prior art does not teach the method of sequentially transporting a portable imaging system from a first location; accessing the image to be digitized at the second location; scanning the image at the second location using the portable imaging system and storing the digital image in memory disposed in the portable imaging system and generating an order request associated with the stored digital image.

Applicants submit the reasons for allowance provided describe the subject matter of independent rejected claims 1, 26, and 27. Thus, Claims 1, 25-28, and 31 should be allowed for at least the same reasons as claims 2-7, 9-11, 13-22, 29, and 30.

Further, the Examiner has not provided a *prima facie* case of obviousness. As set forth in the response of 10 September 2007, Ueda et al. shows a movable minilab, having wheels 302, as shown in Figs. 5 and 6, and stanchions or legs 202, used for leveling the device prior to use, as would be recognized by one of ordinary skill in the art. Because the minilab uses chemicals for processing, a level surface must be ensured for proper maintenance of chemical levels in processing. As shown, Ueda et al. is movable, or portable, but not in such a manner as to be carried by hand. The Examiner has taken official notice in the 6 July 2007 Office Action and in the 13 December 2007 final Office Action that it:

would have been notoriously obvious to one of ordinary skill in the art at the time the invention was made to reduce the size of the imaging system of Ueda et al. in order to make it small enough to be carried by hand. ...such a

modification would have involved a mere change in the size of a component.

Further, in the 13 December 2007 final Office Action, the Examiner has taken Official Notice that:

it as notoriously well known in the art to reduce the size of image processing apparatus such as scanners to as small a size as possible. This is advantageous because it allows the device to take up less space and enables the device to be easily moved by hand.

The Examiner also points to Applicants' supplied reference ("A Survey of Digital Minilabs in the USA," Photoreporter, No. 11, Vol. 14, June 11, 2006, herein called the "2006 reference") as teaching that a minilab is hand-carriable, stating:

Photoreporter described on Page 4, Line 9-11 that tabletop SP500 scanner has a footprint of 1X2 feet and weighing less than 50 pounds. The examiner asserts that a device that is less than 50 pounds and is 1 foot by 2 feet is a hand-carriable device. Although The[sic] Photoreporter reference is not prior art, it shows that Current[sic] mini-labs are a size small enough to be carried by hand.

Applicants note that the Examiner in the 13 December 2007 final Office Action is discussing scanners, not minilabs. A scanner and a minilab are not equivalent, as known to those skilled in the art of photo-reproduction. A scanner is comprised of mechanical and electrical components, which can be reduced in size as technology improves. However, a minilab requires a series of chemicals for wet processing of photographic materials, requiring a certain volume of chemicals and room for each separate chemical bath, as known in the art of photographic processing. It is not understood by Applicants, or shown by the Examiner, how one can simply reduce the size of a minilab and have it function as intended.

The primary reference applied is Ueda, directed to a minilab. The secondary reference of Redd et al. is only used for teaching recording of audio input on the back of an image in coded form. No applied reference teaches transporting a hand-carriable imaging system or hand portable imaging device to a first location or from a first location to a second location, receiving a hardcopy document from a user at the location, and scanning the document at the user's location using the hand-carriable imaging system or hand portable imaging device.

The Examiner appears to rely on Applicants 2006 reference as showing portable scanners. However, as admitted by the Examiner, the 2006 reference is improper as prior art, having been published after filing of Applicants' application. The Examiner has provided no teaching, disclosure, or suggestion of reducing an imaging device, particularly one with a memory, to a hand portable or hand-carriable size before the time Applicants filed this application.

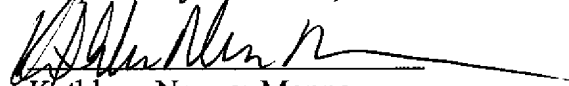
As shown by Applicants' submission of the 2006 reference, no one had, up to the time of the 2006 reference, successfully introduced a hand portable imaging device or hand-carriable imaging system. Applicants claimed invention fills a long felt and unmet need in the art.

The primary reference of Ueda et al. shows in Figs. 9-14 that goods and materials related to photoprocessing are moved between the minilab and a photofinishing place, a customer, or a pick-up location, but the minilab itself is not moved. The Examiner has provided no prior art demonstrating or suggesting a hand portable imaging device or hand-carriable imaging system.

For at least the above reasons, Ueda et al. alone, or in combination with Redd et al., does not teach, disclose, or suggest all the features of the claimed invention.

All of claims 1-7, 9-11, 13-22, and 25-29 are in condition for allowance for at least the above reasons. Reconsideration and prompt action in the form of a Notice of Allowance are respectfully solicited. Should the Examiner require anything further, or have any questions, the Examiner is asked to contact Applicants' undersigned representative.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.